

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

IN RE: TESTOSTERONE }
REPLACEMENT THERAPY }
PRODUCTS LIABILITY LITIGATION }
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CASE NO. 1:14-cv-01748
MDL NO. 2545

This Document relates to:

Paul Gibson *et. al.* v. AbbVie, Inc. *et. al.*;
Civil Action No. 1:15-cv-10945

PLAINTIFF'S RESPONSE TO CASE MANAGEMENT ORDER NO. 110- ORDER TO
SHOW CAUSE PURSUANT TO CMO NO. 85

Comes now Plaintiff, by and through his counsel, and respectfully files this response to Case Management Order No. 110.

1. On December 8, 2017, this Court issued Case Management Order No. 85, which directed all Plaintiffs to complete and execute a PPF within 90 days of the entry of the order.
2. Due to Plaintiff's Counsel's error, this order was inadvertently overlooked and not properly calendared.
3. As soon as Plaintiff's counsel became aware of the order, Plaintiff worked diligently to complete and execute the PPF.
4. Plaintiff has served his PPF and all medical and pharmacy records relevant to the issues in this case pursuant to CMO No. 85 on April 24, 2018. Plaintiff sent the records and PPF to counsel for Defendants via Dropbox and sent a confirmatory email.
5. Plaintiff was not acting in bad faith and the delay in serving the PPF was due to inadvertent error. The Court's CMO No. 85 states that "Plaintiff's counsel shall have

twenty-one (21) days to respond to said Order to Show Cause, which includes the ability to cure the alleged discovery deficiency. There shall be no imposition of a sanction for any plaintiff who cures a deficiency following issuance of an Order to Show Cause.

6. Plaintiff has cured the alleged deficiency by submitting the PPF and the requested records as directed by the Court's order. Therefore, no sanction and/or dismissal of Plaintiff's case is necessary.

WHEREFORE, Plaintiff prays the court excuses Plaintiff's counsel's error and not prejudice Plaintiff's case or impose any other sanction.

Dated: April 24, 2018

Respectfully Submitted,

/s/ Jacob Levy

Jacob Levy
Gray & White
713 E. Market St. #200
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CERTIFICATE OF SERVICE

I hereby certify that I have, this day, electronically filed the foregoing with the Clerk of the Court using CM/ECF system which will send notification of such filing to all counsel of record, on this 24th day of April 2018.

/s/ Jacob Levy

Gray & White